

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

SRS PROPERTIES LIMITED PARTNERSHIP, d/b/a
SHERATON PREMIER AT TYSON'S CORNER^{1/}

Employer

and

HOTEL AND RESTAURANT EMPLOYEES, LOCAL 25,
AFL-CIO, A/W HOTEL EMPLOYEES AND RESTAURANT
EMPLOYEES INTERNATIONAL UNION, AFL-CIO, CLC

Petitioner

Case 5-RC-14867

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.^{2/}
3. The Petitioner involved claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.^{3/}

All full-time and regular part-time housekeeping and engineering department employees, including room attendants, housemen, public area cleaners, maintenance employees and painter(s), employed by the Employer at its Vienna, Virginia facility, excluding licensed engineers, all other employees, guards and supervisors as defined in the Act.

DIRECTION OF ELECTION

An Election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike that commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for

cause since the designated payroll period, striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective-bargaining purposes by

**HOTEL AND RESTAURANT EMPLOYEES, LOCAL 25, AFL-CIO, A/W
HOTEL EMPLOYEES AND RESTAURANT EMPLOYEES INTERNATIONAL UNION, AFL-CIO, CLC**

LIST OF VOTERS

To insure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the *full* names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within 7 days from the date of this Decision. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The Regional Director shall make the list available to all parties to the election. No extension of time to file the list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, NW, Washington, D.C. 20570-0001. The request must be received by the Board in Washington by

August 17, 1999.

Dated August 3, 1999

at Baltimore, Maryland

Regional Director, Region 5



1/ The name of the Employer appears as amended at the hearing.

2/ SRS Properties Limited Partnership d/b/a Sheraton Premier at Tyson's Corner (the Employer or the Hotel) is a Virginia corporation. The Employer operates a 437-room hotel, providing food and lodging for guests, banquet and corporate meeting services, in Vienna, Virginia. The parties stipulated and the record shows that the Employer is engaged in commerce within the meaning of the Act.

3/ **Hotel and Restaurant Employees Local 25, AFL-CIO** (the **Petitioner** or the **Union**) filed the petition in this case seeking to represent a unit of all full-time and regular part-time employees employed by the Employer in its **housekeeping department** at its Vienna, Virginia hotel, excluding all other employees, guards, and supervisors, as defined in the Act. The housekeeping department includes room attendants, housemen and public area cleaners. At the hearing the Union took the position that if the Board determined a unit limited to the housekeeping department was not appropriate, the Union would proceed to an election in a unit that included maintenance employees and the painter(s) in the **engineering department**. The parties stipulated that the three licensed engineers, including the Chief Engineer, in the engineering department, do not belong in any unit found appropriate. The Petitioner is not willing to proceed to an election in a unit that includes any other additional employees. A unit limited to the housekeeping department employees consists of approximately 51 employees; the engineering department has approximately 11 maintenance employees, and 1 painter.

The Employer contends that the **only** appropriate unit consists of a wall to wall unit of its full-time and regular part-time employees engaged in low skilled manual labor, including housekeeping employees, maintenance employees, painters, food and beverage employees, bell stand employees and drivers, excluding guards, confidential employees, managerial employees and supervisors as defined in the Act. The unit advocated by the Employer consists of approximately 252 employees.

The parties **stipulated** that the individuals named below have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline employees, or responsibly to direct them, to adjust their grievances, or effectively recommend such action, all in the interests of the Employer and should be **excluded** from any unit found appropriate:

Rooms Division Executive Kim Morley and Housekeeping Supervisors Zarghoona Amiri, Martha Jordan, Maria Melgar, Maria V. Perez, Ana Ray; Bell Stand Supervisor Shaier Heidar; Food and Beverage Division Executive and Supervisor of First Impressions Lobby Bar and Gift Shop, Rebecca Delorme; Convention Services Supervisors David Perillo, Jose Pardo, Hugo Morales; Guestroom Dining Supervisors Myrna Ramos, Esmerelda Limcaro; Ashgrove's Restaurant Supervisors Mary Varlas, David Tantaya and Voltaire Medina; Baron's Restaurant Supervisor Jorge Alonso, Stewards Supervisor Rene Terceros; Kitchen Supervisor and Executive Chef Rupert Froelich; Banquet Supervisors Marcelo Melgar and Oscar Aguilar; Chief Engineer Tom Weis and licensed engineering assistants Paul Pocasangre and Terry Belcher.

There is no history of collective bargaining for any of the Employer's employees.

The Employer's Facility

The Hotel consists of 437 guestrooms in a 35,000 square foot building on 24 levels. At the lobby level, the Hotel houses two banquet rooms, the 1,800 square foot Grand Ballroom and the 3,000 square foot Junior Ball room, one fine dining restaurant called Baron's, another restaurant called Ashgrove's and the First Impressions lobby bar. In addition, there are approximately 25 meeting rooms. The Hotel has a full service exercise and health club facility, indoor and outdoor pool, all on the lower level. Each of these facilities described above are located in the front of the Hotel in public view, whereas employee work areas, including the administrative offices, accounting, purchasing, the kitchen, employee cafeteria and storage areas are located at the back of the Hotel, away from public view.

Operational and Management Structure of the Hotel

The six divisions of the Hotel are headed by Executive Directors who comprise the Hotel's Executive Committee and each report directly to General Manager Perry Ahmed: (1) The Rooms Division is headed by Rooms Executive Kim Morley; (2) Engineering is headed by Chief Engineer Tom Weis; (3) Food and Beverage is headed by Director Rebecca Delorme; (4), Accounting is headed by the Comptroller, (5) Room Sales is headed by the Director of Sales and (6) Catering Sales is headed by the Director of Catering. General Manager Perry Ahmed is responsible for the overall operations of the Hotel. Each division has several departments within them headed by separate department managers. Employees involved in this proceeding who largely perform low skilled manual labor are employed only in the Rooms Division, the Engineering Division and the Food and Beverage Division.

The **Rooms Division** includes front desk, reservations, PBX (hotel operator), housekeeping and the bell stand. The petition does not seek, and the Employer does not seek to include, employees essentially performing office clerical functions within the front desk, reservations or PBX departments. The housekeeping department employs 33 room attendants, 8 housemen and 10 public area cleaners. The housekeeping department is located on the first floor, at one level below the lobby level. The bell stand employs 10 bellmen and 3 drivers. The **Engineering Division** employs 3 licensed engineers, including the chief engineer, and 11 maintenance employees, as well as 1 painter.

The **Food and Beverage Division** houses several departments which provide restaurant and banquet services to guests, as well as employee meals, including Baron's and Ashgrove's Restaurants, the First Impressions Lounge, banquet operations, convention services, stewarding, the kitchen, guest dining room services, and the gift shop. Both restaurants, the lounge, ballrooms that hold banquet functions and meeting rooms, as well as the gift shop, are located on the lobby level of the Hotel.

The Executive Committee comprised of the 6 division heads reports to General Manager Perry Ahmed and holds weekly staff meetings. The Executive Committee performs various functions, including discussing and resolving various staffing issues on a weekly basis based on the anticipated volume of business. The Executive Committee also discusses employee performance, making nominations and selections for employee of the month. Managers can nominate and discuss the performance of any employee from within any department in the Hotel. Each manager votes on every nomination.

Departmental Functions

The **housekeeping department** within the Rooms Division is responsible for cleaning the 437 guestrooms as well as public areas in the Hotel used by guests. The 33 **room attendants** change linens, dust and vacuum guestrooms, wash fixtures and walls, and mop floors in bathrooms in the guestrooms and replenish amenities. Eight **housemen** assist room attendants by delivering clean linens to the guest floors, restocking the linen closets and removing soiled linens to the laundry. They are also responsible for dusting and vacuuming in the hallways outside guestrooms. There are 10 **public area cleaners** who clean all Hotel public areas, including the lobby, restrooms, restaurants, the health club and the gift shop. All housekeeping department employees earn hourly wages between

\$6.25 to \$8.00 per hour. Ana Ray supervises all housekeeping employees, and she reports to Rooms Executive Kim Morley.

The **bell stand** department within the Rooms Division employs **10 bellmen** and **3 drivers**. The bellmen assist arriving and departing guests with luggage between the lobby and guestroom, and explain to guests Hotel services and room equipment. Drivers drive one of the Hotel's five shuttle vans that operate from 6:30 a.m. to 11:00 p.m. between the Hotel and Dulles Airport. The van leaves the Hotel every hour on the hour with departing guests and transports guests from the airport back to the Hotel. Any bellman could also drive the Hotel shuttle van to area office buildings within a 3-mile radius of the Hotel, on a demand basis. The bellmen earn \$4.75 to \$5.50 per hour plus tips, and drivers earn \$5.25 to \$5.50 per hour, plus tips. Drivers work in two shifts with flexible beginning and ending times, from 6:30 or 7:00 a.m. to 2:30 or 3:00 p.m. and from either 2:00 to 10:00 p.m. or 3:00 to 11 p.m. When not driving, the driver works as a bellman. Bell stand employees report directly to Shaier Heidar, who reports to Rooms Executive Kim Morley.

The **engineering department** is responsible for maintaining the Hotel's physical plant. There are 3 licensed engineers, including Chief Engineer Tom Weis, who perform work on boilers or chillers. Maintenance workers maintain equipment in guestrooms and general repair work that can be done quickly, including replacing light bulbs, checking air conditioner units and replacing filters, making adjustments to the television and other room equipment. One painter in the engineering department does small and routine touch up jobs to the walls and doorframes in guestrooms, hallways and lobby areas in the Hotel. The 2 assistant engineers, 11 maintenance workers and 1 painter report directly to Chief Engineer Tom Weis, who reports to General Manager Perry Ahmed. Maintenance employees and the painter earn between \$7.00 to \$9.00 per hour.

The **Food and Beverage Division** is divided into many different food service departments, including the kitchen, guest room dining services, banquet operations, stewarding, convention services, Baron's fine dining restaurant, Ashgrove's restaurant, the First Impressions Lounge and the gift shop. The **kitchen** employs 26 employees in the classifications of cook, salad prep and pantry. Kitchen employees report to Executive Chef Rupert Froelich, who reports directly to General Manager Ahmed. Kitchen employees earn wages between \$7.00 to \$10.00 per hour. There are approximately **15 servers and 4 bussers** in the **guestroom dining services department**. Servers fill guest orders for room service, set up trays, deliver and set up trays in guestrooms. Bussers assist servers in setting up trays prior to being delivered to guestrooms and bring down dirty trays from guest floors. Myrna Ramos supervises employees in guest dining room services and she reports directly to Director of Food and Beverage Rebecca Delorme. Guestroom dining services employees earn between \$4.00 to \$5.50 per hour and are tipped employees.

Baron's and Ashgrove's restaurants also employ **servers** who take meal orders and serve orders at the tables, and **bussers** who assist in serving the meal, set up equipment and clean the tables. The 3 servers and 1 bus employee in Baron's earn \$5.00 to \$6.00 per hour. Servers and bussers in Ashgrove's earn \$3.25 per hour. Tips are a large part of Baron's and Ashgrove's employees' compensation. Baron's employees are supervised by maitre de Jorge Alonso, while Mary Varlas supervises Ashgrove's employees. Both Alonso and Varlas report directly to Food and Beverage Director Rebecca Delorme. The **First Impressions bar and lounge** employs 6 employees as **bartenders and bar back employees**, who perform essentially the same functions. They take orders, clean glasses, clean up cocktail tables, the lounge and bar areas. They report directly to Food and Beverage Director Rebecca Delorme. The bartenders and bar back employees earn \$3.00 to \$4.00 per hour, and receive tips. **Three gift shop employees** work as **cashiers** who put in requisition orders, operate the cash register and stock the gift shop. They are supervised directly by Rebecca Delorme and earn \$6.00 to \$7.00 per hour.

The **banquet department** in the Food and Beverage Division employs the largest number of food and beverage employees. There are 56 regular part-time and 8 full-time **banquet employees** whose job it is to assist in setting up banquet rooms, serve meals during banquet functions, and clean up banquet room. Banquet employees earn \$3.25 to \$5.00 per hour and their wages are supplemented by a percentage portion of the total revenue based on the size of the banquet function and the number of employees assigned. They are supervised by Marcelo Melgar, who reports directly to Rebecca Delorme. There are **24 stewards** who are responsible for cleaning back areas of the Hotel, including banquet rooms, the kitchen, back hallways and for removing trash and debris from the Hotel. The stewards are supervised by Rene Terceros who reports to Rebecca Delorme. The **convention services department**

employs 13 employees who perform the same function as the stewards, but within the meeting rooms. They set up, clean and break down meeting rooms, remove soiled linens and trash. They are supervised by David Perillo, Director of Convention Services, who reports directly to Rebecca Delorme. Stewards and convention services employees earn hourly wage rates between \$6.25 and \$8.00.

Interdepartmental Employee Contact

The Employer operates a fairly large hotel facility, but contact among the various groupings of employees is based on the Employer's emphasis on a team approach to meeting the needs of the customer. Each department and division operates as a separate entity, but where a need arises any Hotel employee may respond. New hires are rotated throughout each department during an orientation program designed to introduce them to the Hotel's operations. All Hotel employees are required to respond to guests' requests, if the appropriate personnel are unavailable. Thus, a bellman may be required to clean a guestroom in the late afternoon after room attendants have left for the day and if there were many late checkouts. Likewise, the licensed engineers may respond to a routine repair call if a maintenance worker is unavailable. All employees use the employee cafeteria to take their ½ hour meal breaks, albeit at different times of the day. Thus, most room attendants will break between 11:30 a.m. and 12 noon when guests are checking out, whereas guest room dining service employees and servers in Ashgrove's cannot break at that time since guests are being served lunch. Employees may take brief non-meal breaks within their own departments. There are no restrictions on use of the employee cafeteria or allotted time periods by department.

There is little need for interdepartmental contact on payday since paychecks are disseminated either by direct deposit, or received from the employee's own department head. If distribution is missed, the employee may report to accounting to pick up his or her paycheck. Since the housekeeping department has the largest number of full-time employees, it has its own timeclock located within the housekeeping department on the first floor, or lower level. All other employee classifications at issue in this proceeding use the employee timeclock located at the employee entrance at the back of the Hotel.

The employees who spend the most significant amounts of time performing their duties in guestrooms are room attendants and maintenance employees. Room attendants contact maintenance employees directly to report a problem or malfunction of equipment within a guestroom and are not required to go through any level of management. The room attendant must record each such report. Maintenance employees make repairs and room attendants clean the same guestrooms at the same time.

Transfers and Interchange

There is minimal evidence in the record of permanent transfers between departments. Thus, there was one documented example of a housekeeping employee who transferred within the past year to the kitchen department. General Manager Ahmed testified that he recalled two other permanent transfers from housekeeping, one into maintenance and one into another department. In the past two years, one housekeeping employee transferred to the gift shop, and there is a housekeeping employee currently training in the gift shop. There have only been one or two transfers in 1997 and 1998 from stewarding into the housekeeping department.

The record describes examples of various employees performing tasks outside their own departments. Almost all of those examples, however, occurred very infrequently or on an emergency basis. As discussed above, a licensed engineer has made small repairs in guestrooms if a maintenance worker was unavailable. Likewise, it has happened that a front desk employee could assist a guest with a minor problem in the guestroom when no other maintenance employee was available. The record shows that in the evening when a room attendant may not be on duty, a houseman or evening supervisor would deliver towels to the guestroom.

The Hotel makes both scheduled and unscheduled temporary transfers of housekeeping department employees into other departments, depending on the seasonal nature of its business and staffing levels. Guestroom occupancy levels are lowest from mid-November through the holiday season, January and February. Simultaneously, the volume of banquet business rises during the holiday season. Thus, rather than lay off housekeeping department employees, the Employer solicits housekeeping employees who wish to maintain hours of

work to perform other manual skill functions such as server or carver in the banquet department. Department managers discuss the coming week(s) staffing needs and project the number of additional employees needed. In 1998, the Employer utilized 31 of its housekeeping employees in the banquet department, primarily in the period of time from mid-November through the end of December. Because a mutual need exists for additional hours and staffing, the Employer does not need to unilaterally assign employees overtime hours. When prescheduled transfers are made, housekeeping employees are compensated as banquet employees, including a cut of the gratuity, and are paid from the banquet department budget and coded as such on payroll reports. Short term temporary transfers of housekeeping employees into the banquet department may occur at various times through the year when, for example, a banquet planned for attendance of 500 ends up at attendance of 800. There have been unscheduled temporary transfers of about 5 to 10 housekeeping employees in the prior year. For such short term transfers, the housekeeping employee continues to receive his/her regular compensation, and is budgeted and paid through the housekeeping department.

The other instance of temporary transfer is when occupancy is low, and the Hotel assigns interested housekeeping employees to assist the maintenance staff in performing its cyclical preventive maintenance program throughout the Hotel. Housemen may assist in caulking in the slower months of July and August, rather than lose hours of work. In 1998, 6 to 8 housekeeping employees were assigned to assist with the Hotel's preventive maintenance program.

Hiring and Conditions of Employment

The need for additional staff is addressed at the weekly Executive Committee meetings. Department and division heads inform other Executive Committee members of vacancies in their respective departments so that the information can be passed on directly to the Hotel's employees. There are no written job postings or announcements. The Employer advertises in outside publications for help if it is unable to recruit from within. The Executive Assistant in Human Resources prescreens and interviews applicants, and refers successful candidates to the department head for a separate interview. The department head evaluates the applicant and recommends the successful applicant for hire to the division head. The division head reviews the recommendation on the basis of budget and cost restraints, and submits a request to the General Manager that the individual be hired. Final hiring and termination decisions are made by the General Manager.

There is one employee handbook and disciplinary procedure that applies to all Hotel employees. All employees may participate in the same benefits, including medical insurance, meal per shift, holiday pay, vacation pay, sick days, uniforms and discounted hotel rooms. All employees are paid every two weeks and each employee wears a uniform and nametag. Uniform styles vary from department to department. Employees are scheduled hours, assigned work, evaluated and disciplined by their direct department and/or division head.

Conclusion

In Omni International Hotel, 283 NLRB 473 (1987), the Board reaffirmed its use of a case-by-case approach for unit determinations in the hotel and motel industry, employing the same traditional community-of-interest criteria used in other industries. Stanford Park Hotel, 287 NLRB 1291 (1988). As summarized in Dinah's Hotel and Apartments, 295 NLRB 1100 (1989), these general factors include distinctions in skills and functions of particular employee groups, their separate supervision, the employer's organizational structure, differences in wages and hours, as well as integration of operations, employee transfer, interchange, and contacts. Atlanta Hilton & Towers, 273 NLRB 87 (1984), modified on other grounds 275 NLRB 1413 (1985). In this regard, the Board has repeatedly emphasized that recent precedent does not mandate a finding that an overall unit of employees performing manual labor, of the type urged to be appropriate by the Employer, is the only appropriate unit in the hotel/motel industry but, rather, smaller sought units may also constitute appropriate units if the petitioned for employees constitute a homogenous grouping of employees. Stanford Park Hotel, supra. In addition, Omni International Hotel reaffirmed the rule that a petitioning labor union may seek to represent employees in an appropriate unit, and is not required to seek the *optimal* or the *most* appropriate bargaining unit. 283 NLRB at 475.

The Petitioner seeks a unit limited to room attendants, housemen and public area cleaners. Petitioner has declared its willingness to go to an election that would include maintenance workers and the painter in the engineering department. The record clearly reflects that these employees share similar functions of cleaning and maintaining guestrooms and the public areas of the Hotel. In doing so, room attendants, housemen, public area cleaners and maintenance workers and the painter regularly work in proximity to each other. Thus, the record reflects that maintenance workers make minor repairs and adjustments in the guestrooms while they are being cleaned by room attendants. Room attendants assigned to clean and restock supplies of linens and amenities in the guestrooms are the first to see the normal wear and tear in guestrooms. The record shows they make direct contact with maintenance employees to report problems in the guestrooms, and are not required to go through any layer of supervision. Housemen and public area cleaners also have daily contact with maintenance employees and the painter as they caulk and do touch up paint jobs in hallway areas and on doorframes throughout the Hotel. Further, the record shows that housemen are involved throughout the year assisting maintenance workers with the Hotel's cyclical preventive maintenance program throughout all areas of the Hotel, including guestrooms, the lobby, public areas, the banquet rooms, etc.

The Employer contends that the local area practice requires a finding of an appropriate unit of all employees who perform low skilled manual labor. The Employer relies on a single collective bargaining agreement to which Petitioner is a party representing a wall to wall unit of cooks, bartenders, housekeepers, cashiers and bus employees. First, there is insufficient record evidence to establish a local area practice. Second, case law requires a case by case analysis of all community of interests factors. The Employer also asserts that the substantial interchange of housekeeping employees into the banquet department supports a substantial community of interest between the petitioned for housekeeping employees and food and beverage employees. The record shows that these transfers are on a short term basis, occurring during the brief holiday period between Thanksgiving and late December when the Hotel experiences an increased volume in banquet business. The record of permanent transfers from the housekeeping department to other departments is minimal. In Hotel Sofitel, the Ninth Circuit affirmed the Board's unit determination of a separate housekeeping unit despite evidence that housekeeping employees were temporarily loaned to other departments during crunch periods, and specifically to service large banquets. NLRB V. French Int'l Corp. d/b/a Hotel Sofitel San Francisco Bay, 999 F. 3rd 1409, 1411 (1993), enforcing 303 NLRB 311 (1991).

The record shows that the primary function of food and beverage employees sought to be included by the Employer is the preparation and service of food and drink to Hotel guests at banquet functions and in its two restaurants and lounge. The food service function is distinct and separate from the cleaning functions performed by the petitioned for unit of housekeeping employees. Food service employees have regular and purposeful contact with the Hotel's and restaurants' patrons. Although there are groupings of employees within the food and beverage division who perform cleaning tasks, such as stewards and convention services employees, their duties are in support of the separate mission of the banquet department to serve food and drink at banquet functions. Food and beverage division gift shop employees who order inventory and operate the cashier do not perform any task in common with the petitioned for unit of employees. The duties performed by bell stand employees to assist Hotel guests with luggage and to transport them to various locations near the Hotel and to the airport, are distinctly dissimilar from the cleaning duties of housekeeping department employees and maintenance workers who remain at the Hotel and who have incidental contact with Hotel patrons.

In ascertaining whether the instant petitioned-for unit is appropriate for collective-bargaining purposes, the fact that all Hotel employees receive the same fringe benefits and are subject to the same personnel policies does not compel a finding that a unit of housekeeping and maintenance workers is not appropriate. As stated by the Board in Omni International Hotel of Detroit, supra, 283 NLRB at 476, such similarities "fail to establish that the requested unit [engineering department employees] is not an appropriate unit for bargaining though such facts undoubtedly would show that an overall unit, if sought, also would be an appropriate unit." Similarly, the fact that there exists some degree of administrative coordination among the various Hotel departments, exercised by management authority with respect to providing a highly integrated group of services to individual and corporate guests, does not compel a finding that only an overall unit is the sole appropriate unit. Rather, recent Board decisions in the hotel industry establish that such factors as commonality of supervision, extent of temporary interchange with employees in other departments, extent of permanent transfers into or out of petitioned-for classifications, and whether the sought employees perform distinctive job duties in furtherance of the objectives of their respective departments are

the relevant considerations to be analyzed in determining the appropriateness of units. Stanford Park Hotel, supra, 287 NLRB at 1292. Omni International Hotel of Detroit, supra.

Many of the groupings of employees in the food and beverage division are compensated differently than the petitioned for housekeeping employees and maintenance workers. The petitioned for employees and maintenance workers earn an hourly wage in the range of \$6.25 to \$8.00 per hour. Banquet servers, Baron's and Ashgrove's servers, the First Impression Lounge's bartenders and bar backs and guestroom dining services employees earn a lower hourly wage and depend on tips for much of their compensation. Likewise, bell stand employees rely on tips to supplement their lower hourly wage.

Employee groups at the Hotel necessarily, consistent with the practice in the industry, have regular and routine contact with each other in providing services to guests. But such a consideration, in light of recent Board decisions, has little consequence in hotel unit determinations. Similarly, as noted, short term temporary transfers of housekeeping employees into the banquet department to handle seasonal increases in business volume, does not change the determination herein that the housekeeping employees, maintenance workers and painter is an appropriate unit. Further, in view of recent Board decisions, I find to be of limited value those instances of arguable job overlap contained in this record in determining whether the petitioned-for unit is appropriate for collective-bargaining purposes. The fact that any employee may respond, for example, to requests of guests or when the assigned personnel is unavailable, does not establish job overlap between housekeeping and other groups of employees. Significantly, the record contains minimal evidence of permanent transfers into or out of the housekeeping and maintenance group and limited evidence of temporary overlap between the duties of the petitioned-for employees and others.

Accordingly, based on all of the factors discussed above, notwithstanding similarity in working conditions, common benefits and personnel policies and administrative coordination among departments in providing services to guests and patrons, I find that a unit consisting of **housekeeping employees and engineering department maintenance workers and painter(s)** is appropriate for the purposes of collective bargaining and I shall direct an election among those employees. Stanford Park Hotel, supra; Omni International Hotel of Detroit, supra; Hotel Sofitel, supra; Dinah's Hotel & Apartments, supra.

The unit found appropriate is broader than the petitioned-for unit. Consequently, I grant the Petitioner **fourteen (14) days** from the date of this decision to make an adequate showing of interest, if necessary, in the broader housekeeping and engineering department unit. Should the Petitioner choose not to proceed to an election in the broader unit it may, upon request, withdraw its petition without prejudice.